

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

FRANK JENKINS,

Defendant.

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15-cr-386 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

The Court has received attached application by the defendant for relief under the First Step Act. The Government should respond to the application by **April 8, 2021**. The defendant may reply by **April 29, 2021**. The application for appointment of counsel is denied without prejudice at this point because the defendant has not yet shown that his application has a likelihood of success. See Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989); Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). The Court could appoint counsel if appropriate at a subsequent time.

SO ORDERED.

Dated: New York, New York  
March 18, 2021

/s/ John G. Koeltl  
John G. Koeltl  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:15-cr-00386-JGK

UNITED STATES

v.

FRANK JENKINS

MOTION FOR APPOINTMENT OF  
COUNSEL TO PURSUE RELIEF  
UNDER THE  
FIRST STEP ACT

Now Comes the defendant in the above titled to move this Court to appoint counsel to pursue relief under section 404 of the First Step Act.

① Defendant was charged on or about with USC 21:846 (Consp. to dist. narcotics) and also 21:846 (Consp. to dist. narcotics) (See: Count 1)

② On page 2 of defendant's plea agreement in number 2 of the "A. Offense Level" it states the following:  
"2. The Sentencing Guideline applicable to the offense charged in Count One is USSC's 2A1.1. Pursuant to USSC's 2A1.1(a) the base offense level is 43." Therefore, defendant was sentenced pursuant to Count One.

③ Under the First Step Act's section 404, an 846 is a "covered offense" and thereby makes defendant eligible for relief pursuant to the F.S.A.

④ For the reasons stated herein defendant hereby respectfully move the Court to appoint counsel to investigate/litigate a First Step Act motion on defendant's behalf

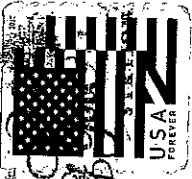
CONCLUSION:

Defendant is not an attorney and is therefore incapable of filing a adequate professional motion citing all relevant case laws. The current motion is filed in good faith as defendant believes that I am potentially entitled to relief under the aforementioned F.S.A

Respectfully Submitted,  
Frank Jenkins Jr.  
9/29/20

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New York, NY

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